

DEPARTMENT OF CORPORATION COUNSEL

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Attorneys for Defendants
COUNTY OF MAUI and MAUI POLICE DEPARTMENT

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

JOSHUA NAKAGAWA,)	CIVIL NO. 11-00130 LEK BMK
)	(Other Non-motor vehicle tort)
Plaintiff,)	
)	DEFENDANTS COUNTY OF MAUI AND
vs.)	MAUI POLICE DEPARTMENT'S
)	SCHEDULING CONFERENCE
COUNTY OF MAUI; MAUI POLICE))	STATEMENT; CERTIFICATE OF
DEPARTMENT; DOE DEFENDANTS 1-100))	SERVICE
and DOE ENTITIES 1-100,)	
)	Date: March 28, 2011
Defendants)	Time: 9:00 a.m.
)	Judge: Hon. Barry M. Kurren

**DEFENDANTS COUNTY OF MAUI AND MAUI POLICE
DEPARTMENT'S SCHEDULING CONFERENCE STATEMENT**

Defendants County of Maui and Maui Police Department (hereinafter "County Defendants"), by and through their attorneys, Patrick K. Wong, Corporation Counsel, and Moana M. Lutey, Deputy Corporation Counsel, hereby submit their scheduling conference statement pursuant to Rule LR 16.2(b) of the Rules of the United States District Court for the District of Hawaii, as follows:

I. STATEMENT AND NATURE OF THE CASE

Plaintiff Joshua Nakagawa alleges that police officers used excessive force in stopping the truck in which Plaintiff was a passenger. As a result, Plaintiff claims to have suffered injuries and damages. Plaintiff also alleges that his civil rights were violated.

Defendant County of Maui and Defendant Maui Police Department contend that their actions were appropriate and reasonable under the circumstances and did not violate state or federal law.

II. STATEMENT OF JURISDICTION AND VENUE

Defendants agree that venue and jurisdiction are proper in this matter. Jurisdiction is based upon a federal question. Venue is appropriate because the Defendants reside in the State of Hawaii and the events complained of occurred in the State of Hawaii.

III. JURY TRIAL

A jury trial has been demanded.

IV. DISCLOSURES

Disclosures will be made in accordance with the discovery deadlines set by the Court and the applicable rules.

V. DISCOVERY COMPLETED, IN PROGRESS, MOTIONS

No discovery has been conducted. The parties participated in a planning meeting on March 7, 2011 via telephone. The parties agreed to standard discovery pursuant to the Federal Rules of Civil Procedure. Discovery may be premature at this time because the police investigation is ongoing.

VI. SPECIAL PROCEEDINGS/SPECIAL PROCEDURES

There are no special procedures anticipated.

VII. RELATED CASES

There are no related cases.

VIII. ADDITIONAL MATTERS

At this time, County of Maui is not aware of any other matters that should be brought to the attention of this Court.

DATED: Wailuku, Maui, Hawaii, March 22, 2011.

PATRICK K. WONG
Corporation Counsel
Attorney for County Defendants

By: /S/ Moana M. Lutey
MOANA M. LUTEY
Deputy Corporation Counsel

IN THE UNITED STATES DISTRICT COURT
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JOSHUA NAKAGAWA,)	CIVIL NO. 11-00130 LEK BMK
)	(Other Non-motor vehicle tort)
Plaintiff,)	
)	CERTIFICATE OF SERVICE
vs.)	
)	
COUNTY OF MAUI; MAUI POLICE))	
DEPARTMENT; DOE DEFENDANTS 1-100))	
and DOE ENTITIES 1-100,)	
)	
Defendants)	
_____)	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was electronically served upon the following party on March 22, 2011, through CM/ECF:

Michael Jay Green, Esq.
841 Bishop Street, Suite 2201
Honolulu, Hawaii 96813
(Attorney for Plaintiff)

DATED: Wailuku, Maui, Hawaii, March 22, 2011.

PATRICK K. WONG
Corporation Counsel
Attorney for County Defendants

By /s/ Moana M. Lutey
MOANA M. LUTEY
Deputy Corporation Counsel